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Docket No. EYE-011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

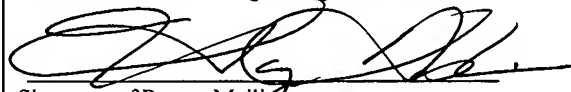
Applicant(s): Breegi, et al.
Serial No: 10/781,350
Filed: February 18, 2004
For: DRUG DELIVERY DEVICE
AND SYRINGE FOR FILLING
THE SAME

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: May 8, 2006

Name of Person Mailing: Anya Dushine



Signature of Person Mailing

PETITION UNDER 37 C.F.R. 1.137(b) FOR REVIVAL OF
AN UNINTENTIONALLY ABANDONED
PATENT APPLICATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became unintentionally abandoned for failure to timely reply to a notice or action by the United States Patent Office, to which a reply was due on November 6, 2005 with an additional five months extension of time. The date of abandonment is the day after the expiration date of the period set for reply in the notice or action plus extensions of time actually obtained.

Applicant hereby petitions for revival of this application. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

03/16/2006 TBESHAH2 00000092 503000 10781350
01 FC:1453 1500.00 DA

On April 17, 2006, Attorney for Applicant Michael Rafa was telephoned by Examiner Paula Craig regarding failure to respond to an outstanding Restriction Requirement dated October 06, 2005. After reviewing the physical file and docket reports carefully, Applicants confirm that the Restriction Requirement dated October 06, 2005 was never received. Applicants have obtained a copy of the Restriction Requirement through the Patent Application Information Retrieval system on the United States Patent and Trademark Office website and hereby submit a formal response. A copy of the Notice of Abandonment dated April 18, 2006 is enclosed herewith.

No terminal disclaimer is believed to be due under 37 C.F.R. 1.137(d) because this application was filed after June 8, 1995.

The Commissioner is hereby authorized to charge the petition fee due, and any other fees due in connection herewith, to Deposit Account No. 503008.

Respectfully submitted,

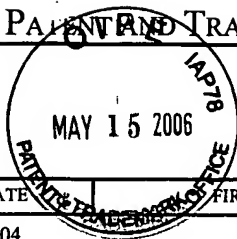
Dated: 5/8/06



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UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,350	02/18/2004	Wisam Breeji	EYE-011	9204
40336	7590	04/18/2006	EXAMINER	
EYETECH PHARMACEUTICALS, INC. 3 TIMES SQUARE 12TH FLOOR NEW YORK, NY 10036			CRAIG, PAULA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.	Applicant(s)	
10/781,350	BREEGI ET AL.	
Examiner	Art Unit	
Paula L. Craig	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 October 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

In a telephone conversation with Mr. Michael Rafa on April 17, 2006, it was confirmed that no response had been filed.

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.